

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ERNISA BARNWELL,

Plaintiff,

v.

Case No. 8:23-cv-1587-WFJ-UAM

CITY OF SAINT PETERSBURG, *et al.*,

Defendants.

_____/

ORDER

This cause comes before the Court on Plaintiff's application to proceed *in forma pauperis* (Dkt. 2) and the complaint (Dkt. 1). The magistrate judge issued a report recommending that the motion be denied and that the complaint be dismissed. Dkt. 11. The time for filing objections has passed.


The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate judge, in the order entered August 16, 2023, determined that the complaint does not satisfy basic pleading requirements in both form and factual allegations. Dkt. 6. The magistrate judge explained how the complaint fails to state a plausible claim for relief under either Title VII, 42 U.S.C. § 1983, or trespass. Dkt. 6 at 3–5. Plaintiff was given the opportunity to file an amended

complaint to correct the deficiencies and was granted an extension of time to do so. The amended complaint was due to be filed as of September 19, 2023. Dkt. 9. The magistrate judge entered the report and recommendation seven days later, and fourteen additional days have passed. Plaintiff has not yet filed an amended complaint.

For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court rules as follows:

1. The Report and Recommendation (Dkt. 11) is adopted, confirmed, and approved in all respects and made a part of this order.
2. Plaintiff's motion to proceed *in forma pauperis* (Dkt.2) is denied.
3. Plaintiff's complaint (Dkt. 1) is dismissed without prejudice and without leave to amend.
4. The Clerk is directed to terminate any pending motions and deadlines and to close the case.

DONE AND ORDERED at Tampa, Florida, on October 11, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

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Plaintiff, *pro se*